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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,599	11/19/2003	Roger M. Slotkin	40592-0001	9170
26633	7590	08/11/2005	EXAMINER	
HELLER EHRMAN WHITE & MCAULIFFE LLP 1717 RHODE ISLAND AVE, NW WASHINGTON, DC 20036-3001			LE, UYEN CHAU N	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/715,599

Applicant(s)

SLOTKIN ET AL

Examiner

Uyen-Chau N. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Prelim. Amdt/Amendment

1. Receipt is acknowledged of the Preliminary Amendment filed 19 November 2003.

Claim Objections

2. Claim 17 is objected to because of the following informalities:

Re claim 17, line 2: Substitutes "a name a phone number" with -- a name, a phone number --.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 3-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Alperovich (US 6,175,741).

Re claims 1 and 3-12: Alperovich discloses an electronic business card device comprising: a memory 200 constructed and adapted to store at least one electronic business card consisting of at least an image of a business card along with associated card information derivable from and associated with the business card (fig. 2; col. 4,

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lines 6-15); a sending mechanism (i.e., transceiver 28) constructed and adapted to send a stored electronic business card to other devices; a receiving mechanism (i.e., transceiver 28) constructed and adapted to receive an electronic business card and associated card information from another device, and a storing mechanism constructed and adapted to selectively store the received electronic business card in the memory, the storing being based at least in part on at least some of the received associated card information; wherein the image of the business card includes a representation of a name and wherein the associated card information includes the name, wherein the image of the business card includes a representation of a telephone number and wherein the associated information includes the telephone number, and wherein the storing mechanism stores the card based on the telephone number (col. 4, lines 10-16a tracking mechanism constructed and adapted to track other devices to which this device sends an electronic business card (i.e., history file 230) (col. 4, lines 28-43); a mechanism constructed and adapted to automatically update cards sent to other devices when a previously sent card is changed (col. 5, lines 15-39); wherein the sending mechanism uses at least one of: wireless transmission, and physical transmission, wherein the receiving mechanism uses at least one of: wireless transmission, and physical transmission (fig. 2); wherein the memory is removable from the device (i.e., a SIM module 200) (fig. 2; col. 4, lines 6-11); there must be a controller adapted and constructed to control the sending and receiving of electronic business cards via the sending mechanism and the receiving mechanism respectively (figs. 2 & 3; col. 4, line 5 through col. 5, line 39).

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5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1, 2, 11 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Peacock et al (US 6,601,111).

Re claims 1, 2, 11 and 13: Peacock et al discloses an electronic business card device comprising: a memory constructed and adapted to store at least one electronic business card consisting of at least an image of a business card along with associated card information derivable from and associated with the business card (col. 9, lines 3-11); a sending mechanism [611, 651] constructed and adapted to send a stored electronic business card to other devices [610, 650]; a receiving mechanism [611, 651] constructed and adapted to receive an electronic business card and associated card information from another device [610, 650], and a storing mechanism constructed and adapted to selectively store the received electronic business card in the memory, the

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storing being based at least in part on at least some of the received associated card information (col. 9, lines 3-11); wherein the image and associated card information are in v-card format (figs. 6-8; col. 7, line 20 through col. 9, line 18).

7. Claims 14-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Awada et al (US 6,873,861).

Re claims 14-18: Awada et al discloses a program product for causing a first electronic device to perform a method of: storing (i.e., via a memory included in the microcomputer 130) a first electronic business card consisting of at least an image of a first business card along with associated card information derivable from and associated with the first business card; sending (i.e., via antenna 119) at least the image of the first business card and the associated card information derivable from and associated with the first business card to a second electronic device; a receiving (i.e., via antenna 119) a second electronic business card consisting of at least an image of a second business card along with associated card information derivable from and associated with the second business card (col. 3, lines 35-58); and storing the received second electronic business card, wherein stored electronic business cards are indexed by the associated card information derivable from and associated therewith (col. 6, lines 45-67); wherein the second electronic business card is received from the second electronic device, and wherein the sending and the receiving are performed during an exchange of electronic business cards between the first electronic device and the second electronic device (col. 5, line 35 through col. 6 line 67); wherein associated card information comprises at least one of a name a phone number, and an email address (col. 4, lines 44-47);

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wherein stored electronic business cards are indexed by more than one of the name, the phone number and the email address of each stored electronic business card (col. 6, lines 53-67).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Awada et al in view of Alperovich (US 6,175,741). The teachings of Awada et al and Alperovich have been discussed above.

Re claims 19 and 20: Awada et al has been discussed above but is silent with respect to communicating with the second electronic device to determine whether a

current version of the first electronic business card has been sent to the second electronic device, wherein the sending step is only performed if the current version of the first electronic business card has not been sent to the second electronic device; communicating with the second electronic device to determine whether a current version of the second electronic business card has been received from the second electronic device, wherein the receiving step is only performed if the current version of the second electronic business card has not been received from the second electronic device; respectively.

Alperovich teaches an automated updating program for automatically re-send the information upon updated (col. 5, lines 15-39).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate an automated updating program of Alperovich into the system as taught by Awada et al in order to provide the user with the most recent information, wherein the user does not have to concern about having an out-dated information when needed.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The patents to Shachar et al (US 5764736 A); Harrison (US 6240302 B1); Chan (US 6254001 B1); Porter (US 6533171 B1); Douvikas et al (US 6633311 B1); Hoyle (US 6771290 B1); Gropper (US 6883000 B1); Sakanashi et al (US 20020023952 A1); and

Dickinson (US 5640565 A) are cited as of interest and illustrate a similar structure to a method and apparatus for electronically exchanging and storing an image of a business card along with associated card information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen-Chau N. Le whose telephone number is 571-272-2397. The examiner can normally be reached on Mon-Fri. 5:30AM-2:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Uyen-Chau N. Le
Examiner
Art Unit 2876

July 25, 2005